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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,027	07/10/2001	Pekka Marjelund	975.357USW1	1526

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EXAMINER

PEZZLO, JOHN

ART UNIT PAPER NUMBER

2662

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,027

Applicant(s)

MARJELUND ET AL.

Examiner

John Pezzlo

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7 and 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2662

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 11 is an apparatus claim, which refers to the method of claim 9. It is not clear whether claim 11 is an independent claim or a dependent claim, which makes the claim indefinite. See *Ex parte Lyell* (17 USPQ2d 1548 Board of Appeals and Interferences).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2662

I. Claims 2-5, 7, and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Pasternak et al. (US 6,157,614) hereinafter Pasternak.

1. Regarding claims 9 and 10 – Pasternak discloses obtaining information related to transmission resources required for handling real time traffic in a radio network controller, refer to Figures 1 and 2 and column 8 lines 33 to 58 and column 2 lines 38 to 67.

Pasternak discloses reserving transmission resources for handling non-real time traffic based on a knowledge of overall available transmission resources of a radio transceiver device of said radio access network and the information related to the transmission resources required for handling real time traffic by said radio transceiver, refer to Figures 1 and 2 and column 2 lines 14 to 27 and column 4 lines 35 to 60 and column 15 line 4 to column 22 line 58.

Pasternak discloses the respectively allocated reserved transmission resources are distinguished on the basis of ATM virtual path identifiers (VPI's) and virtual channel identifiers (VCI's), refer to Figure 8 and column 2 lines 38 to 67.

2. Regarding claim 11 – Pasternak discloses a radio access network control device, adapted to carry out the method according to claim 9, refer to the discussion above (1.) and Figure 1 and column 2 lines 30 to 37 and column 8 lines 33 to 50.

3. Regarding claim 2 – Pasternak discloses said reserving of transmission resources for handling non-real time traffic resides in determining the difference between the overall available transmission resources of said radio transceiver device of said radio access network and the

Art Unit: 2662

transmission resources required for handling real time traffic, wherein said difference is the reserved transmission resources for the non-real time traffic, refer to Figures 1 and 2 and column 2 lines 14 to 27 and column 4 lines 35 to 60 and column 15 line 4 to column 22 line 58.

4. Regarding claim 3 – Pasternak discloses said step of obtaining and reserving is carried out repeatedly upon occurrence of an update condition, refer to column 1 lines 38 to 56 and column 3 lines 1 to 63.

5. Regarding claim 4 – Pasternak discloses said update condition resides in the lapse of an update period, every slot or frame, refer to Figure 5 and column 1 lines 38 to 56 and column 9 lines 22 to 47.

6. Regarding claim 5 – Pasternak discloses wherein said update condition resides in an entering of a RT bearer to the radio network or the leaving of an RT and/or NRT bearer from the network, refer to Figures 1 and 2 and column 2 lines 38 to 67.

7. Regarding claim 7 – Pasternak discloses wherein in a very first obtaining step, a predetermined value for the transmission resources required for handling real time traffic is used, and in all subsequent obtaining steps, a detected value of the actually required transmission resources for handling real time traffic is used, refer to channel set-up, column 2 lines 50 to 67 and column 3 lines 1 to 64.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pasternak (same as above).

1. Regarding claim 6 – Pasternak discloses an ATM wireless network which discloses said step of obtaining and reserving is carried out repeatedly upon occurrence of an update condition, refer to column 1 lines 38 to 56 and column 3 lines 1 to 63.

Pasternak does not expressly disclose said update condition resides in that a predetermined time of day is reached.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to perform an update at a predetermined time of day in order to synchronize the network and coordinate status and databases for the network. The suggestion/motivation being that Pasternak discloses a wireless system for performing ATM services for subscribers across a network, performing updates at predetermined time of day would allow the system to synchronize with other interfaces across the network for operation and maintenance purposes.

Response to Arguments

Applicant's arguments with respect to claims 2-7 and 9-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Awdeh et al. (US 5,991,268) discloses flow control mechanism of ABR traffic in ATM networks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (703) 306-5420. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Art Unit: 2662

Washington, D.C.

or faxed to:

(703) 872-9306

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Receptionist (Sixth floor)

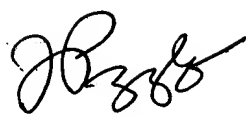
Crystal Park 2

2121 Crystal Drive

Arlington, VA.

John Pezzlo

30 June 2004


JOHN PEZZLO
PRIMARY EXAMINER